

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR DUVAL
COUNTY, FLORIDA

CASE NO: 16-2008-CA-003856 -XXXX-MA
DIVISION:

JULIE SAIEG,
as the Personal Representative of
the Estate of BRITTANY HAMPTON,
deceased,

Plaintiff,

v.
T.S. v.
BOYS' HOME ASSOCIATION, INC., a Florida corporation, and
FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., ✓
a Florida corporation

Defendants.

DIVISION CV-G

COMPLAINT

Plaintiff JULIE SAIEG as Personal Representative of the Estate of BRITTANY HAMPTON, sues Defendants, BOYS' HOME ASSOCIATION, INC. (hereinafter referred to as "BHA"), and FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., (hereinafter referred to as "FSS") and alleges:

JURISDICTION

1. This action involves damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interests and costs.

2. This action is brought pursuant to Florida Statutes §§768.16.-768.27, the Florida Wrongful Death Act. The claimants under this Statute, and their relationships to the decedent are as follows:

- a. The Estate of Brittany Hampton
- b. Jeffrey Hampton- Father

c. Phyliss Wilson- Mother

THE PARTIES

3. Plaintiff Julie Saeig is the Personal Representative of the Estate of BRITTANY HAMPTON (hereinafter referred to as "BRITTANY"). Plaintiff resides in Duval County, Florida and brings this action for the benefit of the Estate of Brittany Hampton and Jeffrey Hampton and Phyliss Wilson as surviving parents.

4. BRITTANY was a 3 year old female child who, at all times material, resided in Duval County, Florida. At all times material, BRITTANY was placed in the home of Quina Holmes by Defendants BHA and FSS.

5. At all times material, Defendant FSS was a Florida corporation with its principal place of operations at 4057 Carmichael Street, Jacksonville, Florida 32207. Defendant FSS had a duty to deliver foster care and related services and ensure the safety of children placed in foster care in Duval County, Florida. Defendant FSS had a duty to oversee and supervise foster parent licensing procedures in compliance with Fla. Stat. §409.175 and Chapter 65C-13, 14 and 15 F.A.C.

6. At all times material, Defendant BHA was a Florida corporation with its principal place of operations at 2354 University Boulevard North, Jacksonville, Florida 32277. Defendant BHA had a duty to coordinate training for prospective foster parents as described in Fla. Stat. § 409.175 and 65C-13 F.A.C. Defendant BHA had a duty to ensure that foster parents receive appropriate training specific to the needs of children placed in their homes.

7. In February 2007, Quina Holmes submitted an application to Defendants FSS and BHA to become a foster parent in Duval County, Florida.

8. After submitting her application in February 2007, Quina Holmes attended foster parent training classes for one week under the training, instruction and supervision of Defendant BHA.

9. In March or April 2007, Defendant FSS approved and/or recommended Quina Holmes' application and license to become a foster parent in Duval County, Florida.

10. Defendant FSS approved and/or recommended Quina Holmes' foster parent license to permit the placement of two (2) foster children only.

11. When Defendant FSS approved and/or recommended Quina Holmes' foster parent license Ms. Holmes' two biological children were living in her home.

12. In April 2007, Defendant FSS began placing foster children in the home of Quina Holmes.

13. In April 2007, Quina Holmes was unaware that she had been approved and licensed as a foster parent when Defendant FSS began placing children in her home.

14. Despite a licensing capacity for two (2) foster children, Defendant FSS routinely placed more than two foster children in Quina Holmes' care.

15. In November 2007, Defendant FSS placed BRITTANY and her three siblings in the home of Quina Holmes.

16. In November 2007 when BRITTANY was placed with Quina Holmes, Defendants FSS and BHA had already violated Florida law, Florida Administrative Codes and their own policies and procedures by *inter alia*:

- a. Failing to complete all requirements of the Model Approach to Partnership in Parenting (MAPP) foster parent training for Quina Holmes;
- b. Failing to provide foster parent orientation class(es) for Quina Holmes prior to BRITTANY's placement;

- c. Failing to ensure that Quina Holmes received thorough and appropriate foster parent training, including water safety and cardiopulmonary resuscitation (CPR).
17. Upon information and belief, the placement of BRITTANY and her siblings with Quina Holmes brought the total number of children in the home to at least six (6).
18. On November 17, 2007, Quina Holmes put BRITTANY and her two year old sibling in a bathtub of water and then left the bathroom.
19. BRITTANY died on November 17, 2007. The Duval County Medical Examiner determined that BRITTANY's cause of death was drowning.
20. Immediately following BRITTANY'S death, all children including Quina Holmes' biological children were removed from Ms. Holmes' residence.
21. To date, Quina Holmes' biological children have not been returned to her care and custody.

COUNT I

NEGLIGENCE AS TO DEFENDANT
FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC. (FSS)

Plaintiff hereby reavers and realleges paragraphs 1 through 21 as if fully set forth herein.

22. At all times material, Defendant FSS had a duty to provide reasonable care for BRITTANY including a duty to place BRITTANY in a reasonably safe foster home and to reasonably recruit, train and supervise Quina Holmes to care for BRITTANY.
23. Defendant FSS negligently breached its duty to BRITTANY, by *inter alia*:
- a. Negligently placing BRITTANY in the Quina Holmes' home when it knew, or should have known, that Quina Holmes was not reasonably trained to care for BRITTANY;

- b. Negligently failing to train Quina Holmes to provide reasonably safe care for BRITTANY;
- c. Negligently failing to supervise Quina Holmes to ensure BRITTANY's safety and well-being;
- d. Negligently failing to provide appropriate monitoring and oversight of Quina Holmes which subjected BRITTANY to substantial risk of serious harm;
- e. Failing to ensure completion of all requirements of the Model Approach to Partnership in Parenting (MAPP) foster parent training for Quina Holmes;
- f. Failing to provide foster parent orientation class(es) for Quina Holmes prior to BRITTANY's placement;
- g. Failing to ensure that Quina Holmes received thorough and appropriate foster parent training, including water safety and cardiopulmonary resuscitation (CPR).

24. Defendant FSS, through its employees and agents, had a duty to protect BRITTANY's safety and welfare and to thoroughly train and supervise Quina Holmes, and to comply with Florida Statutes, Florida Administrative Codes and its own rules and regulations. Defendant FSS, through its employees and agents, breached said duties.

25. At all times material, Defendant FSS knew, or should have known, that its failure to thoroughly and appropriately train and supervise Quina Holmes placed BRITTANY at substantial risk of harm.

26. As a direct and proximate result of the aforementioned negligence of Defendant FSS, BRITTANY drowned on November 17, 2007.

27. As a further direct and proximate result of the negligence of Defendant FSS, Jeffrey Hampton and Phyliss Wilson have suffered, both in the past and will do so in the future, mental pain and suffering.

WHEREFORE, Plaintiff Julie Saieg as Personal Representative of the Estate of BRITTANY HAMPTON, prays that this Honorable Court enter a judgment in favor of Plaintiff against Defendant FSS for all recoverable damages, costs of this action, and such other relief as the Court may deem proper.

COUNT II

NEGLIGENCE AS TO DEFENDANT BOYS' HOME ASSOCIATION, INC. (BHA)

Plaintiff hereby reavers and realleges paragraphs 1 through 20 as if fully set forth herein.

28. At all times material, Defendant BHA had a duty to coordinate and provide thorough and complete foster parent training for Quina Holmes. The duty to coordinate and provide foster parent training included training for Quina Holmes to provide a reasonably safe foster home for BRITTANY.

29. Defendant BHA negligently breached its duty to BRITTANY, by *inter alia*:

- a. Negligently failing to train Quina Holmes to provide reasonably safe care for BRITTANY;
- b. Negligently failing to provide appropriate monitoring and oversight of Quina Holmes which subjected BRITTANY to substantial risk of serious harm;
- c. Failing to complete all requirements of the Model Approach to Partnership in Parenting (MAPP) foster parent training for Quina Holmes;

DEMAND FOR JURY TRIAL

Plaintiff hereby requests trial by jury of all issues so triable. Respectfully submitted
this 25th day of March 2008.

SPOHRER & DODD, P.L.

heLEN W. SPOHRER

HELEN W. SPOHRER
Florida Bar No. 0485632
701 West Adams Street, Suite 2
Jacksonville, Florida 32204
(904) 309-6500 – Telephone
(904) 309-6501 – Facsimile
Attorneys for Plaintiff

- and -

Hugh Cotney

Hugh Cotney
Florida Bar No. 141607
233 E. Bay Street, Suite 905
Jacksonville, Florida 32202
(904) 356-0162 – Telephone
(904) 355-5170 – Facsimile
Attorneys for Plaintiff